IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 5682 of 2005

Between:

M.Satyaveni, W/o. Jawahar Babu,
R.T.A. Office, Central Zone, Khairtabad, Hyderabad.

..... PETITIONER

AND

1 State of Andhra Pradesh, rep., by its Principal Secretary to
Government, Transport, Roads & Buildings Department, Secretariat, Hyderabad.
2 The Transport Commissioner, Hyderabad, Andhra Pradesh.
3 The Secretary, R.T.A., Khairtabad, Central Zone, Khairtabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction especially one in the nature of writ of certiorari calling for the records pertaining to V.M.A.No.703/2004 in O.A.No.3145/2004 dated 24-02-2005 of Hon'ble A.P. Administrative Tribunal and set aside the same and further declare that the proceedings issued in Memo No.16372/vlg.III/2/ 2003-1 dated 24-4-2004 and proceedings in Rc.No.14530/v3/2003-2 dated 18-05-2004 are illegal, arbitrary and discriminatory and violative of Article 14 and 16 of the Constitution of India and further declare that petitioner is entitled to continue in service as Superintendent.

Counsel for the Petitioner: MR.M.SURENDER RAO
Counsel for the Respondents: GP FOR SERVICES-II

The Court at the admission stage made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed assailing the order, dated 24.02.2005, passed by the A.P. Administrative Tribunal, Hyderabad in V.M.A.No.703 of 2004 in O.A.No.3145 of 2004.

2. The petitioner was placed under suspension vide memo, dated 24.04.2004. Assailing the said order, the petitioner filed O.A. Initially, the Tribunal granted interim suspension of the order, dated 24.04.2004, but finally the said order was vacated by an order, dated 24.02.2005, against which the present Writ Petition has been filed.

3. Learned counsel for the petitioner submits that the suspension orders passed in respect of similarly situate persons, infact were allowed by the Tribunal in O.A.No.3101 of 2004, dated 10.12.2004. Therefore, the Tribunal ought to have followed the decision of the coordinate Bench instead of vacating the interim order, and ought not to have allowed the V.M.A.

4. We are inclined to interfere with the impugned order. Suffice to say that the matter requires reconsideration in the hands of the Tribunal, the order of the Tribunal is set aside and the matter is remitted for fresh consideration after giving notice to the parties concerned, and pass appropriate orders, within a period of two weeks from the date of receipt of a copy of this order keeping in view the order passed by the Tribunal in O.A.No.3101 of 2004. The Tribunal shall also hear the similar matters which are pending, so as to put quietus to the issues under adjudication.

5. With the direction indicated above, the Writ Petition is accordingly, disposed of. No costs.

G. BIKSHAPATHY, J

P.S. NARAYANA, J

Date: 11.04.2005

ES/PRV

NOTE:- Issue C.C. in three days.

B/o.

ES/PRV

To

1 The Principal Secretary to Government, State of Andhra Pradesh, Transport, Roads & Buildings Department, Secretariat, Hyderabad.
2 The Transport Commissioner, Hyderabad, Andhra Pradesh.
3 The Secretary, R.T.A., Khairtabad, Central Zone, Khairtabad, Hyderabad.

4 The Registrar, A.P. Administrative Tribunal, Hyderabad.

5 2 CCs to the GP for Services-II, High Court of A.P., Hyderabad (OUT)

6 2 CD copies

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